

Memorandum of Understanding

Subject: Safety footwear.

27 October 2004

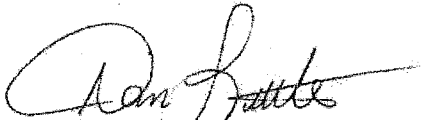
1. This memorandum with the enclosed information attachment supercedes MOU; Subject Safety Boots dated 03 April 1996 and all associated amendments.
2. This policy has been developed through labor management negotiations in accordance with the Labor Relations Agreement between the Adjutant General, State of West Virginia and the West Virginia Chapters of the Association of Civilian Technicians, and Public Law 95-454 to implement safety footwear procurement procedures for technicians of the West Virginia Army National Guard.
3. Technicians of the West Virginia Army National Guard are authorized to request individual safety footwear which meet the requirements of the Occupational Safety and Health Administration (OSHA), American National Standards Institute (ANSI Z41), and the LMRA for their individual work activities. A base price for the standard issue Belleville 700 ST boot, currently \$110.00, plus shipping and handling, per occurrence is authorized. In an effort to insure that no employee is without safety footwear during a time of pricing interpretation and to negate the need to renegotiate this MOU, future authorizations will reflect any price increases of the subject boot at the time of purchase. In the event the aforementioned boot should become unavailable, representatives of the Association and Management will meet to determine a suitable substitute and constitute a new maximum standard.
4. There is no restriction on personal preference, pricing, name brand, style, location or vender with whom the employee chooses to purchase his safety footwear. With the exception of an authorized occupational or medical necessity the employee shall only be allotted the amount stated above whereas any cost in excess constitutes an employee out of pocket expense. Conversely, any difference below the base price remains with the funds manager. However, the authorized purchase of footwear due to medical or occupational necessities will continue to be paid in full by the employer. When making a selection the following criteria must be met and verified by the employee's immediate supervisor:
 - A. The footwear must meet ANSI Z41 or exceed the safety requirements for the employee's work activities as described in the individual's position description or as amended by the State Safety Office.
 - B. The footwear must have or be made to have a military appearance appropriate to the customary work uniform for the individual's position.
5. Special individual medical and or occupational necessity requirements will be identified through the employee supervisor to the State Safety Office for an official determination and authorization for expenditure of funds outside of the base price. In either instance this will be a one time documentation requirement to remain on file at the State Safety Office and in perpetual affect until termination of the employee (medical) or until such time as the hazard is absolved (occupational necessity). IAW OSHA the employee shall not incur an out of pocket expense for such purchases.
 - A. To establish an occupational necessity, employees and supervisors shall utilize the technician's Official Position Description, civil and or military regulatory guidance to identify the need for special footwear. A partial list of examples for an occupational necessity is conductive soled boots for ammunition handlers, static dissipative boots for individuals handling electrostatic discharge sensitive (ESDS) items, and insulated footwear for those working predominantly in cold environments.
 1. Once a need has been identified and in conjunction with guidance from the State Safety Office, every opportunity shall be made to provide engineer controls or other safety practices to alleviate the hazard(s).
 2. If engineer controls are unfeasible and or a residual risk remains, a determination by

the State Safety Office will be issued identifying the position as having an occupational necessity and thereby authorize the purchase of special footwear. The State Safety Office will forward the authorization and one time documentation expressing the individual need to USPFO.

B. To establish medical necessity, the employee shall, through his or her supervisory chain, provide to the State Safety Office the request with substantiating statements and or medical justification attached. Acceptable medical justification is an affidavit, profile or document from a medical professional either civil or military stating the affliction or need for special footwear. Individuals with extraneous circumstances not substantiated by documentation will be authorized, if through consultation, the Occupational Health Nurse Office deems the issue warranted and makes such a recommendation.

6. To initiate a new employee's initial issue, the supervisor will provide the employee with selection criteria guidance, if possible a list of local safety boot vendors, and direct the employee to identify / test fit his boot preference. To initiate replacement footwear for existing employees the employee must first identify to his or her supervisor a need. The supervisor will verify that the employee's footwear is worn or contaminated to the point that warrants replacement and direct the employee to identify a desired boot. On completion of the selection process the supervisor will verify the boot meets the criteria as stated above direct the local supply office to complete the required agency forms, obtain the necessary authorization through the State Safety Office from USPFO, and pay with the IMPAC the lesser amount of the either the purchase price or base price. For clarification it has been previously established that IMPAC credit card holders are authorized to facilitate purchase from any company offering safety footwear on GSA Schedule or from the open market if the desired boot is not available from GSA sources, or is offered at a better price than GSA scheduled companies.

FOR THE ASSOCIATION



DAN LITTLE
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FOR THE EMPLOYER



ALLEN E. TACKETT
MAJOR GENERAL, WVARNG
The Adjutant General